

JOSEPH & KIRSCHENBAUM LLP

Attorneys at Law

Charles Joseph
D. Maimon Kirschenbaum
Denise Schulman
Josef Nussbaum
Lucas Buzzard

32 Broadway, Suite 601
New York, NY 10004
Phone (212) 688-5640
Fax (212) 688-2548
www.jk-llp.com

December 21, 2022

VIA ECF

Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Fitzpatrick and Caputo, v. Boston Market Corp.*, 21 CV 9618 (PAE)

Dear Judge Engelmayer:

We represent Plaintiffs in the above-referenced matter. We write to respectfully request that the Court So Order the attached subpoena we intend to serve on an investigative officer with the New York State Department of Labor (NYSDOL"). As Defendant recently informed the Court (*see* Dkt No. 53), the NYSDOL will only comply with a "subpoena order by a New York State or federal judge" (*see* <https://dol.ny.gov/service-process>). As such, we have prepared a subpoena (attached as "Exhibit A"), by way of which we seek the testimony of an NYSDOL employee who submitted a declaration to Defendant in this lawsuit. We respectfully request that the Court "So Order" the subpoena to enable us to secure this individual's compliance.

We thank the Court for its attention to this matter.

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP


s/Josef Nussbaum

Josef Nussbaum
32 Broadway, Suite 601
New York, NY 10004
(212) 688-5640

cc: All Counsel of Record (via ECF)

Granted. The Court will so order the subpoena and docket it separately.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge
December 21, 2022